

**House File 2435 - Introduced**

HOUSE FILE 2435  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 653)

**A BILL FOR**

1 An Act relating to domestic abuse, including provisions  
2 relating to the implementation of a domestic abuse lethality  
3 screening assessment and supervised electronic tracking and  
4 monitoring.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.12, subsection 1, Code 2018, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* (1) Conducting a validated,  
4 evidence-based domestic abuse lethality screening assessment  
5 with the abused person that assists peace officers, victim  
6 counselors, and others in identifying victims of domestic  
7 abuse who are most likely to be killed by such abuse in the  
8 future. If possible, the peace officer shall conduct the  
9 screening assessment verbally by asking certain screening  
10 assessment questions to the abused person. If the peace  
11 officer is unable to conduct the screening assessment verbally  
12 with the abused person, the peace officer shall hand the abused  
13 person a document that includes the screening assessment  
14 questions written in English and Spanish, ask the abused  
15 person to read and provide written answers to the screening  
16 assessment questions, and request the abused person to return  
17 the completed document to the specified law enforcement agency  
18 listed in the document.

19 (2) The peace officer conducting the domestic abuse  
20 lethality screening assessment or the law enforcement agency  
21 that has received such a screening assessment shall provide the  
22 county attorney with the results of the assessment conducted  
23 pursuant to subparagraph (1).

24 (3) The Iowa county attorneys association, in cooperation  
25 with the Iowa state sheriffs' and deputies' association, the  
26 Iowa peace officers association, and the Iowa coalition against  
27 domestic violence, shall study and implement an established  
28 validated evidence-based domestic abuse lethality screening  
29 assessment to be used on a statewide basis.

30 Sec. 2. Section 811.2, subsection 1, paragraph a,  
31 unnumbered paragraph 1, Code 2018, is amended to read as  
32 follows:

33 All bailable defendants shall be ordered released from  
34 custody pending judgment or entry of deferred judgment on their  
35 personal recognizance, or upon the execution of an unsecured

1 appearance bond in an amount specified by the magistrate unless  
2 the magistrate determines in the exercise of the magistrate's  
3 discretion, that such a release will not reasonably assure the  
4 appearance of the defendant as required or that release will  
5 jeopardize the personal safety of another person or persons,  
6 or the defendant has been charged with a violation of domestic  
7 abuse assault under section 708.2A and the defendant is a  
8 high risk to reoffend. When such determination is made, the  
9 magistrate shall, either in lieu of or in addition to the  
10 above methods of release, impose the first of the following  
11 conditions of release which will reasonably assure the  
12 appearance of the person for trial or deferral of judgment and  
13 the safety of other persons, or, if no single condition gives  
14 that assurance, any combination of the following conditions,  
15 except that the condition in subparagraph (03) shall be imposed  
16 with any combination of the following conditions if applicable  
17 to the person:

18 Sec. 3. Section 811.2, subsection 1, paragraph a, Code 2018,  
19 is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (03) Require the defendant to be  
21 supervised by an electronic tracking and monitoring system  
22 upon release if the defendant is charged with a violation of  
23 domestic abuse assault under section 708.2A and the defendant  
24 is a high risk to reoffend.

25 Sec. 4. Section 811.2, subsection 2, Code 2018, is amended  
26 to read as follows:

27 2. *Determination of conditions.* In determining which  
28 conditions of release will reasonably assure the defendant's  
29 appearance and the safety of another person or persons, the  
30 magistrate shall, on the basis of available information, take  
31 into account the nature and circumstances of the offense  
32 charged including the results of a domestic abuse lethality  
33 screening assessment if available, the defendant's family  
34 ties, employment, financial resources, character and mental  
35 condition, the length of the defendant's residence in the

1 community, the defendant's record of convictions, including the  
2 defendant's failure to pay any fine, surcharge, or court costs,  
3 and the defendant's record of appearance at court proceedings  
4 or of flight to avoid prosecution or failure to appear at court  
5 proceedings.

6 Sec. 5. Section 905.16, Code 2018, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **905.16 Domestic abuse assault — class "D" felons.**

9 A person who is serving a sentence under section 708.2A,  
10 subsection 4 or 5, and who is released on parole or work  
11 release, shall be supervised by an electronic tracking and  
12 monitoring system when the person is not confined in a secure  
13 area of a community-based correctional facility until such  
14 time as the district department determines the person may be  
15 supervised without the electronic tracking and monitoring  
16 system.

17 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
18 3, shall not apply to this Act.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill relates to domestic abuse lethality screening by  
23 peace officers.

24 Currently, if a peace officer has reason to believe domestic  
25 abuse has occurred, the peace officer is required to use all  
26 reasonable means to prevent further abuse including providing a  
27 notice to the abused person about the person's rights pursuant  
28 to Code section 236.12(1).

29 The bill provides that after notice is provided under Code  
30 section 236.12(1), the peace officer shall also conduct a  
31 validated, evidence-based domestic abuse lethality screening  
32 assessment with the abused person that assists peace officers,  
33 victim counselors, and others in identifying victims of  
34 domestic abuse who are most likely to be killed by such abuse  
35 in the future. If possible, the peace officer shall conduct

1 the screening assessment verbally by asking certain screening  
2 assessment questions to the abused person. If the peace  
3 officer is unable to conduct the screening assessment verbally  
4 with the abused person, the bill requires that the peace  
5 officer hand the abused person a document that includes the  
6 screening assessment questions written in English and Spanish,  
7 ask the abused person to read and provide written answers to  
8 the screening assessment questions, and request the abused  
9 person to return the completed document to the specified law  
10 enforcement agency listed in the document.

11 The bill specifies that the peace officer conducting  
12 the domestic abuse lethality screening assessment or the  
13 law enforcement agency that has received such a screening  
14 assessment shall be responsible for providing the county  
15 attorney with the results of the screening assessment.

16 The bill further specifies that the Iowa county attorneys  
17 association, in cooperation with the Iowa state sheriffs' and  
18 deputies' association, the Iowa peace officers association,  
19 and the Iowa coalition against domestic violence, shall study  
20 and implement an established validated evidence-based domestic  
21 abuse lethality screening assessment to be used on a statewide  
22 basis.

23 The bill amends Code section 811.2 by prohibiting the  
24 release of a person on their personal recognizance, or upon the  
25 execution of an unsecured appearance bond, if the person is  
26 charged with a violation of domestic abuse assault under Code  
27 section 708.2A and the defendant is a high risk to reoffend.  
28 The bill further specifies that if a person charged with a  
29 violation of domestic abuse assault under Code section 708.2A  
30 is released, the person shall be supervised by an electronic  
31 tracking and monitoring system if the person has been assessed  
32 as a high risk to reoffend in addition to any other conditions  
33 specified under Code section 811.2(1)(a).

34 The bill amends Code section 811.2 relating to conditions  
35 of release of a person after arrest. In determining the

1 conditions of release, the bill requires the court to take into  
2 account the results of a domestic abuse lethality screening  
3 assessment, if available.

4 The bill requires a person who is serving a domestic  
5 abuse assault class "D" felony sentence under Code section  
6 708.2A(4) or (5), to be supervised by an electronic tracking  
7 and monitoring system, upon release, when the person is not  
8 confined in a secure area of a community-based correctional  
9 facility until such time as the district department determines  
10 the person may be supervised without the electronic tracking  
11 and monitoring system.

12 The bill may include a state mandate as defined in Code  
13 section 25B.3. The bill makes inapplicable Code section  
14 25B.2(3), which would relieve a political subdivision from  
15 complying with a state mandate if funding for the cost of  
16 the state mandate is not provided or specified. Therefore,  
17 political subdivisions are required to comply with any state  
18 mandate included in the bill.